

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Aedes De Venustas, Inc.,

Plaintiff,

v.

Venustas International, LLC,

Defendant.

1:07-CV-04530-LTS-THK

**NOTICE OF MOTION FOR DEFENDANT'S PARTIAL SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE that** Defendant Batallure Beauty LLC, f/k/a Venustas International, LLC ("Batallure") hereby moves this Court for an order granting partial summary judgment that plaintiff is not entitled to an accounting or award of Batallure's profits. The motion will be heard on Friday, June 27, 2008 at 9:00 a.m., or as soon thereafter as the matter can be heard, before Judge Laura Taylor Swain of the United States District Court, Southern District of New York, Courtroom 17C, 500 Pearl Street, New York, New York 10007.

The motion is based on Fed. R. Civ. P. 56, 15 U.S.C. §1114, 15 U.S.C. §1125, 15 U.S.C. §1117, N.Y. Gen. Bus. Law. §§ 349, 360(1), common law trademark infringement and unfair competition, the memorandum of law in support of the motion, and the Declaration of Kristen McCallion Esq., Declaration of Sam Ghussou, Declaration of Robert G. Shepherd, Esq. and Declaration of Denis McNeill.

Respectfully submitted,

FISH & RICHARDSON P.C.

Dated: May 23, 2008

By:   
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David Francescani (DF 9701)

Kristen McCallion (KM 5593)

FISH & RICHARDSON P.C.

153 East 53rd Street, 52nd Floor

New York, New York 10022

Tel: (212) 765-5070

Fax: (212) 258-2291

Attorneys for Defendant

BATALLURE BEAUTY LLC, f/k/a

Venustas International, LLC